

**INVENTEK**

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Fax

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JAN 06

**Patent Application Ser. No.:** 09/832,753**Ref./Docket No:** OPEN-001**Applicant(s):** Topolovac, et al.**Examiner.:** Cam Y T Truong**Filing Date:** April 10, 2001**Art Unit:** 2172**FAX COVER PAGE**

**TO:** Examiner Cam Y T Truong, Art Unit 2172  
United States Patent and Trademark Office

**Cc:** (by email): John Breene

**Fax No.:** 571-273-4042

**DATE:** January 6, 2005

**FROM:** Dov Rosenfeld, Reg. No. 38687

**RE:** S/N 09/832,753. Consequence of Misreading of Power of Attorney filed in 2002 for 09/832,753, and request to resolve the problem.

**Number of pages including cover:** 10.

Hi Examiner Cam Y T Truong,

Attached is a letter outlining what I have learned about this case from what is now in PAIR and from my file on this case.

I am emailing a copy of this to the SPE John Breene so that he has a copy.

Thanks, and be well,

  
Dov Rosenfeld.

Our Ref./Docket No: OPEN-001

Patent

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Topolovac, <i>et al.</i> Application No.: 09/832,753 Filed: April 10, 2001 Title: SYSTEM AND METHOD FOR MANAGING DATA IN MULTIPLE BILLS OF MATERIAL OVER A NETWORK	Group Art Unit: 2172 Examiner: Cam Y T Truong
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Dear Examiner Truong:

Here is a list of what has occurred as far as we can tell from looking at the case file and the image file wrapper in PAIR.

- 1) A power of attorney was filed on May 2, 2002 appointing Dov Rosenfeld (Customer Number 21921) as the new attorney of record. According to PAIR, this POA was received on May 2, 2002 but misread as Customer Number 21924 not 21921. Consequently all correspondence was sent to the wrong attorney.
- 2) On July 22, 2002, I filed a preliminary amendment. The PTO received the amendment on July 30, 2002; according to the stamped return postcard we received. However it appears that the amendment was never entered causing later problems.
- 3) On October 21, 2002, I filed a second preliminary amendment. I received a fax confirmation from the PTO saying that it had been received. The Examiner stamped the amendment received on Oct. 25, 2002, but, because this amendment referred to claims that were filed with the earlier amendment (see #2 above), the Examiner asserted that only 3 claims were of record, and disregarded the new amendment. This confirms that the amendment filed Jul. 22, 2002 was not entered.
- 4) On March 1, 2003 I filed an IDS and received a postcard confirming receipt by the PTO on Mar. 14, 2003.
- 5) On May 29, 2003 I filed a third preliminary amendment and received a fax confirmation from the PTO.  
Also on May 29, 2003 the Examiner entered Search Notes.
- 6) On June 6, 2003, the Examiner mailed out a non-final Office Action for Claims 1-3. I never received this office action nor knew of its existence. The wrong Customer

S/N 09/832,753

Page 2

OPEN-001

Number was on record and this office action was sent to the attorney(s) customer #21924.

- 7) On January 9, 2004 more Examiner Search Notes were entered.
- 8) On February 3, 2004 the Examiner mailed out a final rejection. I never received this final office action because it was once again sent to the wrong customer number (#21924).

This office action says it is responsive to claims 4-23 suggesting that the preliminary amendment filed on May 29, 2003 was entered, and that the examiner somehow thought that the May 29 preliminary amendment was in response to the later office action of June 6.

- 9) On September 23, 2004 the Examiner called me asking why no response to the final Office Action had been received by the PTO.

I explained on the phone, then responded in writing on the same day (Sept. 23, 2004; copy attached) that I had never received any office actions, and that I sent in a proper power of attorney in 2002. Clearly the Examiner had my name and number, however I was not the attorney of record so I sent in proof that a power of attorney had been filed on May 2, 2002 but that the USPTO had never entered it. I received a fax confirmation for this letter.

- 10) On December 15, 2004 a Notice of Acceptance of Power of Attorney was mailed by the PTO stating that I was now the attorney of record. The notice stated that the power of attorney was filed on Sept. 23, 2004. However, this date was a mistake because the power of attorney was really filed on May 2, 2002.
- 11) On January 6, 2005 a phone call was made to the PTO explaining that the date of the POA was wrong. I spoke to Denise Lynn Boyd of Technology Center 1700, who said that when her supervisor Leland Watkins of Group 1700 returned on Jan. 10, 2005 she would have him fix the POA to the correct date.

- 12) On January 6, 2005, I phoned you, Examiner Truong. This fax is per your request.

- 13) Today, I am sending you another IDS. Note that this is prior to any office action being mailed to me, the practitioner of record.

Note I am sending a copy of this by email to your SPE.

S/N 09/832,753

Page 3

OPEN-001

I would appreciate you and your Supervisory Primary Examiner helping get the issues for this case resolved.

**How to resolve:**

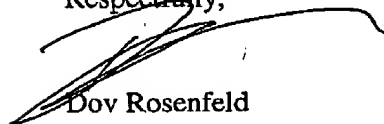
Perhaps the following would resolve the issues:

- 1) The power of attorney should be recorded as of the date originally filed.
- 2) The preliminary amendments that were not entered should be properly entered.
- 3) The first office action that was issued on claims no longer of record (because of un-entered preliminary amendments) should be rescinded.
- 4) Note that as of this date, no office action on the merits has yet been mailed to me. Therefore, an appropriate first office action should be issued. Given that the latest final office action was issued on the latest set of claims after all the preliminary amendments, perhaps it is appropriate that this be the first, NON-FINAL office action on the merits.

Please let me know what I need do at this end.

Please do not hesitate to call or email me if there are any questions.

Respectfully,



Dov Rosenfeld

**Address for correspondence:**

Dov Rosenfeld  
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Tel. 510-547-3378  
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JAN 06 2005**Patent Application Ser. No.:** 09/832,753**Ref./Docket No:** OPEN-001**Applicant(s):** Topolovac, et al.**Examiner.:** Examiner Truong**Filing Date:** April 10, 2001**Art Unit:**

## FAX COVER PAGE

**TO:** Examiner Truong  
United States Patent and Trademark Office

**Fax No.:** 703-746-7464

**DATE:** September 23, 2004

**FROM:** Dov Rosenfeld, Reg. No. 38687

**RE:** Confirmation that power of attorney was sent

*Number of pages including cover:* 5

Dear Examiner Truong,

Further to your telephone call today, attached are:

- 1) The power of attorney that I faxed to the U.S. Patent and Trademark Office (USPTO) on April 5, 2002 revoking all previous powers of attorney and assigning me at customer number 21921 as the attorney of record.
- 2) A proper certificate of facsimile transmission for the above-faxed power of attorney
- 3) An automated fax response from the USPTO showing that the fax was indeed received on April 5, 2004.


I do not have any record of receiving any office action on this case. The last communication was the preliminary amendment I sent in May 2003.

There clearly is some error, because:

- The address you cited to me that the office action(s) were sent to is NOT my address.
- You did have my name and number because you telephoned me today.

I look forward to a resolution of this matter.

Respectfully submitted.

  
Dov Rosenfeld, Reg. No. 38687



04/05/02 11:58:59

SPTO-&gt;

RightFAX

Page 001

TO:Auto-reply fax to +1 413 638 1280 COMPANY:

## Auto-Reply Facsimile Transmission



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

TO:

Fax Sender at +1 413 638 1280

Fax Information

Date Received:

4/5/02 11:49:45 AM [Eastern Standard Time]

Total Pages:

2 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 702.04 et seq.

Received  
Cover  
Page

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<b>INVENTEK</b>	<b>Fax</b>
Dov Rosenfeld 6607 College Avenue, Suite 2 Oakland, CA 94618, USA Phone: (510) 547-3378; Fax: (510) 553-7882 dov@inventek.com	

OUR RRP: W3 PAISUS, now OPEN-001

TO: Commissioner for Patents  
Washington DC 20231

DATE: 5 April 2002

FROM: Dov Rosenfeld, Reg. No., 38,687

RE: New Power of attorney for Ser. No.: 09/812,153

746-7239  
FAX No.: (703)-905-9822

Number of pages including cover: 2

OFFICIAL COMMUNICATION
NEW POWER OF ATTORNEY

Included herewith is a document for:

- A revocation of previous powers of attorney
- A new power of attorney
- A request to change docket number

746 7239 Certificate of Facsimile Transmission under 37 CFR 1.8 I hereby certify this response is being facsimile transmitted to the United States Patent and Trademark Office at telephone number (703) 905-9822 addressed to Commissioner for Patents, Washington, D.C. 20231 on.	
Date: <u>5 Apr 2002</u>	Signed: <u>[Signature]</u> Name: Dov Rosenfeld, Reg. No. 38687

Postnet Data: +1 413 638 1280 0 0202 11 49 45 AF Return Receipt Trans.

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\*\*\* TX REPORT \*\*\*  
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TRANSMISSION OK

TX/RX NO	0421	
CONNECTION TEL		17037467464
SUBADDRESS		
CONNECTION ID		
ST. TIME	09/23	11:24
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PGS. SENT	5	
RESULT	OK	

**Patent Application Ser. No.:** 09/832,753**Ref./Docket No:** OPEN-001**Applicant(s):** Topolovac, et al.**Examiner.:** Examiner Truong**Filing Date:** April 10, 2001**Art Unit:**

## FAX COVER PAGE

**TO:** Examiner Truong  
United States Patent and Trademark Office

**Fax No.:** 703-746-7464

**DATE:** September 23, 2004

**FROM:** Dov Rosenfeld, Reg. No. 38687

**RE:** Confirmation that power of attorney was sent

*Number of pages including cover:* 5

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